

LAW OFFICES
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, ILLINOIS 60601-6780

RECEIVED
CENTRAL FAX CENTER

MAY 18 2005

TELEPHONE: (312) 616-5600

TELECOPY: (312) 616-5700 (G3)
(312) 849-0495 (G4)**FACSIMILE COVER SHEET****DATE: MAY 18, 2005****NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET): 7****OUR REFERENCE: 625305****FROM: JOHN KILYK, JR.
REGISTRATION NO. 30,763****DIRECT LINE: (312) 616-5665****To: MAIL STOP AMENDMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313****FACSIMILE NUMBER: (703) 872-9306****IN RE APPLN. OF: Gupta
APPLICATION NO. 10/664,732
FILED: September 18, 2003****ATTORNEY DOCKET: 224397 (DHHS Reference No. E-116-2001/0-US-14)****ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:
FORM PTO-1083 (1 PAGE, IN DUPLICATE)
TERMINAL DISCLAIMER (2 PAGES, IN DUPLICATE)**

RECEIVED
MAY 19 2005
OIP/E/JCW/S

A confirmation copy of the transmitted document will:
 Not be sent. This will be the only form of delivery of the transmitted document.

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

PATENT
 Attorney Docket No. 224397
 Client Reference No. E-116-2001/0-US-14
 Date: May 18, 2005

In re Application of: Gupta
 Application No. 10/684,732
 Filed: September 18, 2003
 For: FORMULATION OF BORONIC ACID COMPOUNDS

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the terminal disclaimer referenced in the "Reply to an Office Action" dated May 6, 2005 in the subject application.

Small entity status is claimed for this application under 37 CFR 1.27.

Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

Other: Terminal Disclaimer

Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

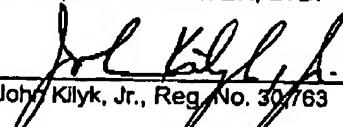
| TIME EXTENSION PETITION FEE | | none | | | SMALL ENTITY | OTHER THAN A SMALL ENTITY | | |
|---|--|-------|---|----------------------------|--------------|------------------------------|--------|--------|
| | | none | | | \$ 0.00 | \$ 0.00 | | |
| | subtract time extension fee previously paid | none | | | (\$ 0.00) | (\$ 0.00) | | |
| <hr/> | | | | | | | | |
| CLAIM FEE | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | EXTRA CLAIMS PRESENT | RATE | ADD'L CLAIM FEE | RATE | |
| TOTAL | 105 | MINUS | 105 | = 0 | x 25= | \$ | x 50= | \$0.00 |
| INDEPENDENT | 3 | MINUS | 3 | = 0 | x 100= | \$ | x 200= | \$0.00 |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM | | | | | + 180= | \$ | + 360= | \$ |
| <hr/> | | | | | | | | |
| TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT | | | | TOTAL | \$ | TOTAL | \$0.00 | |

The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
 LEYDIG, VOIT & MAYER, LTD.

By 
 John Kilyk, Jr., Reg. No. 30,763

Leydig, Voit & Mayer, Ltd.
 Two Prudential Plaza, Suite 4900
 180 North Stetson Avenue
 Chicago, Illinois 60601-6780
 (312) 616-5600 (telephone)
 (312) 616-5700 (facsimile)

Amendment or ROA Transmittal (Revised 2/17/05)

PATENT
Attorney Docket No. 224397
DHHS Reference No. E-116-2001/0-US-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gupta

Application No. 10/664,732

Art Unit: 1623

Filed: September 18, 2003

Examiner: M. C. Henry

**For: FORMULATION OF BORONIC ACID
COMPOUNDS**

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Assignee, The United States of America as represented by the Secretary of the Department of Health and Human Services, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 CFR 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Assignee was recorded in the Patent and Trademark Office at Reel 012858, Frame 0969, on April 25, 2002.

Also, pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, through its attorneys and agents, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of U.S. Patent No. 6,713,446 (hereinafter "the prior patent"), as shortened by any terminal disclaimer filed prior to the grant of the prior patent. Assignee, through its attorneys and agents, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the same as the legal title to the prior patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of the prior patent as defined in 35 USC 154 to 156 and 173 in the event the prior patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent. Examples of such non-

In re Appln. of Gupta
Application No. 10/664,732

applicable termination of the prior patent are as follows: (1) prior patent expires for failure to pay a maintenance fee, (2) prior patent is held unenforceable, (3) prior patent is found invalid by a court of competent jurisdiction, (4) prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) prior patent has all claims canceled by a reexamination certificate or reissuance, and (6) prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the prior patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

The undersigned is empowered to act on behalf of the Assignee.

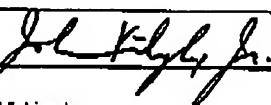
The Commissioner is hereby authorized to charge to Deposit Account 12-1216 the fee of \$130.00 set forth in 37 CFR 1.20(d). A duplicate copy of this document is enclosed herewith for that purpose.

Respectfully submitted,



John Kilyk, Jr., Registration No. 30,763
LEXDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Ave.
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: May 18, 2005

| MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10 | | | |
|---|---|------|--------------|
| I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (703) 872-9306. | | | |
| Name (Print/Type) | John Kilyk, Jr. | | |
| Signature |  | Date | May 18, 2005 |

MAC20050518USPTOtransm37CFRterminal.doc

PATENT
Attorney Docket No. 224397
DHHS Reference No. E-116-2001/0-US-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gupta

Application No. 10/664,732

Art Unit: 1623

Filed: September 18, 2003

Examiner: M. C. Henry

For: FORMULATION OF BORONIC ACID
COMPOUNDS

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Assignee, The United States of America as represented by the Secretary of the Department of Health and Human Services, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 CFR 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Assignee was recorded in the Patent and Trademark Office at Reel 012858, Frame 0969, on April 25, 2002.

Also, pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, through its attorneys and agents, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of U.S. Patent No. 6,713,446 (hereinafter "the prior patent"), as shortened by any terminal disclaimer filed prior to the grant of the prior patent. Assignee, through its attorneys and agents, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the same as the legal title to the prior patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of the prior patent as defined in 35 USC 154 to 156 and 173 in the event the prior patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent. Examples of such non-

In re Appln. of Gupta
Application No. 10/664,732

applicable termination of the prior patent are as follows: (1) prior patent expires for failure to pay a maintenance fee, (2) prior patent is held unenforceable, (3) prior patent is found invalid by a court of competent jurisdiction, (4) prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) prior patent has all claims canceled by a reexamination certificate or reissuance, and (6) prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the prior patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

The undersigned is empowered to act on behalf of the Assignee.

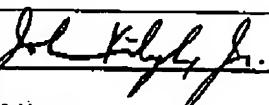
The Commissioner is hereby authorized to charge to Deposit Account 12-1216 the fee of \$130.00 set forth in 37 CFR 1.20(d). A duplicate copy of this document is enclosed herewith for that purpose.

Respectfully submitted,



John Kilyk, Jr., Registration No. 30,763
LEXDIG, VOIT & MA耶ER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Ave.
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: May 18, 2005

| MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10 | | | |
|---|---|------|--------------|
| I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (703) 872-9306. | | | |
| Name (Print/Type) | John Kilyk, Jr. | | |
| Signature |  | Date | May 18, 2005 |

14:07:00 5/18/2005 U.S. Patent and Trademark Office